

DECLARATION OF 3RD / ENGINEER RUSTIA J. CONCHAS

- I, Rustia J. Conchas, declare under penalty of perjury pursuant to the laws of the United States of America:
- 1. I am and was at all material times employed by Anosis Maritime S.A Shipping Company, the commercial Manager of the Vessel in charge of hiring crew on behalf of the Vessel Owners. I am third engineer of the vessel M/V NIKOMARIN from August 26, 2020, including at the time of the relevant bunker delivery on February 16, 2021, at the port of Singapore.
- 2. I am a citizen of Philippines, and I was born in Medellin, Cebu city. I am serving as a 3rd Engineer.
- 3. Except where otherwise expressed, I have personal knowledge of the facts set forth herein, and I am authorized to act for the Defendant in the instant case by providing this declaration.
- 4. At the time of the relevant fuel delivery on February 16, 2021, the Vessel was on a time charter party with BOSTOMAR LIMITED HK, by the fixture recap dated January 14, 2021 and incorporated charter party provisions (the "Charter Party").
- 5. On February 16, 2021, the Vessel arrived in Singapore and the barge M/T HAISOON 33 pulled alongside the Vessel for the delivery for fuel by Consort.
- 6. Prior to the delivery of bunkers, a meeting between the engaged crew of the Vessel, including myself, and the Bunker Barge was taken. Due to COVID restrictions no-one boarded the M/V NIKOMARIN during bunkering operation. I was on board the M/V NIKOMARIN with the Chief Engineer and Bunker Barge personnel were on board the barge. Before the commencement of bunkering, during the remote kick off meeting, Chief Engineer Arnold M. Parale clearly inform Consort that a. the seal numbers of the fuel oil samples will be added on the BDN and b. did express his objection to any lien attaching to the Vessel. The content of the non-lien stamp as seems here below, verbally informed to the Consort:

"THE GOODS AND/OR SERVICES BEING HEREBY ACKNOWLEDGED, RECEIVED FOR, AND/OR ORDERED ARE BEING ACCEPTED AND/OR ORDERED SOLELY FOR THE ACCOUNT OF CHARTERERS OF THE M/V NIKOMARIN AND ARE NOT FOR THE

ACCOUNT OF SAID VESSEL OR HER OWNERS. ACCORDINGLY, NO LIEN OR OTHER

CLAIM AGAINST SAID VESSEL CAN ARISE THEREOF"

7. The representative of the delivery barge agreed to add the seal numbers on the BDN but for the

stamp he said that a letter of protest should be issued. Despite that the addition of the above remark

was rejected, Chief Engineer Arnold M. Parale continued to protest that no lien against the Vessel

can be raised, and fuel is solely for Charterer's account.

8. Immediately following the delivery of the bunkers on February 16, 2021 the letter of protest

prepared and signed by the Chief Engineer among with the sealed samples lowered to the barge,

using a rope. When we took the BDN, the counter sealed samples and the letter of protest on board,

Chief Engineer did notice that the letter of protest was marked "Refused to sign" and next to the

field of the BDN "Was a letter of protest issued, Yes_, No_" neither box was checked. At that time

Chief Engineer Arnold M. Parale, made clear to the Barge representative once more, that he will

sign the BDN only as a servant of the Charterer who order the bunkers.

9. I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct.

Dated: June 21st. 2021

On board M/V NIKOMARIN

Rustia J. Conchas.

3rd Engineer of the Vessel M/V NIKOMARIN